

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77771494
LAW OFFICE ASSIGNED	LAW OFFICE 102
MARK SECTION (no change)	
ARGUMENT(S)	<p>The examining attorney has reviewed the applicant's response of January 19, 2010 and, unfortunately, has continued and made final the refusal to register the proposed mark under Trademark Act Section 2(d). In the Final Office Action dated January 29, 2010, the examining attorney indicated that, since the present application includes "software consultation and software development services" and the "installation, maintenance, trouble shooting and monitoring of computer software," a likelihood of confusion still exists between the proposed mark and the cited registration mark and, therefore, the Section 2(d) refusal could not be withdrawn.</p> <p>Although the applicant strongly disagrees with the examining attorney's reasoning to finalize the Section 2(d) refusal, especially in light of the fact that the applicant owns registrations that predate the cited registration, the applicant respectfully requests that the examining attorney delete "software consultation and software development services" and the "installation, maintenance, trouble shooting and monitoring of computer software" from its recitation of services. The deletion of these services from the application should now resolve any doubts that the examining attorney has with respect to registering the proposed mark. Immediate action in this regard is respectfully requested.</p>
SIGNATURE SECTION	
RESPONSE SIGNATURE	/cmbaker/
SIGNATORY'S NAME	Christine M. Baker
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	07/29/2010
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Jul 29 15:59:17 EDT 2010

TEAS STAMP

USPTO/RFR-38.97.105.2-201
00729155917319169-7777149
4-470a248b44b4b12819e7f24
14e06091da4f-N/A-N/A-2010
0729152058458750

PTO (www.uspto.gov)
USPTO (www.uspto.gov)

Request for Reconsideration after Final Action
To the Commissioner for Trademarks:

Application serial no. **77771494** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

The examining attorney has reviewed the applicant's response of January 19, 2010 and, unfortunately, has continued and made final the refusal to register the proposed mark under Trademark Act Section 2(d). In the Final Office Action dated January 29, 2010, the examining attorney indicated that, since the present application includes "software consultation and software development services" and the "installation, maintenance, trouble shooting and monitoring of computer software," a likelihood of confusion still exists between the proposed mark and the cited registration mark and, therefore, the Section 2(d) refusal could not be withdrawn.

Although the applicant strongly disagrees with the examining attorney's reasoning to finalize the Section 2(d) refusal, especially in light of the fact that the applicant owns registrations that predate the cited registration, the applicant respectfully requests that the examining attorney delete "software consultation and software development services" and the "installation, maintenance, trouble shooting and monitoring of computer software" from its recitation of services. The deletion of these services from the application should now resolve any doubts that the examining attorney has with respect to registering the proposed mark. Immediate action in this regard is respectfully requested.

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /cmbaker/ Date: 07/29/2010

Signatory's Name: Christine M. Baker

Signatory's Position: Attorney for Applicant

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the

highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77771494

Internet Transmission Date: Thu Jul 29 15:59:17 EDT 2010

TEAS Stamp: USPTO/RFR-38.97.105.2-201007291559173191

69-77771494-470a248b44b4b12819e7f2414e06

091da4f-N/A-N/A-20100729152058458750